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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,966	10/15/2004	Joshua Montgomery	03292.101090.15	5965
66569	7590	12/11/2007		
FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER REYES, MARIELA D	
			ART UNIT	PAPER NUMBER
			2167	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/711,966

Applicant(s)

MONTGOMERY ET AL.

Examiner

Mariela D. Reyes

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/23/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 22<sup>nd</sup>, 2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al (US Patent 6,671,358) in view of Deaton (US PG Pub 2002/0179704).

With respect to independent claim 18:

Seidman teaches:

**A system for completing a transaction using a Radio Frequency**

**Identification (RFID) transaction device comprising:**

**An RFID transaction device comprising a transaction device database for storing a Uniform Resource Locator (URL);** (Column 2 Lines 36-37, discloses having an RFID device that stores a UID)

**A merchant system associated with a merchant system identifier comprising a point of interaction (POI) device,** (Column 21 Lines 39-40, discloses a merchant that is associated with a store code) **the POI device being configured**

**To receive the URL from the RFID transaction device;** (Column 2 Lines 36-37, discloses receiving the UID from the RFID)

**To use the URL and the merchant system identifier to access at least one of a third party and an issuer,** (Column 21 Lines 38-41, discloses using a UID and a store code to access the database) **the at least one of the third party and the issuer transmits a loyalty user account number to the POI device, wherein the loyalty user account number is associated with a loyalty administrator,** (Column 21 Lines 40-43, discloses that when the UID and the store code are received in the database a loyalty account number is returned) **and wherein the at least one of the third party and the issuer stores a plurality of loyalty user account numbers associated respectively with a plurality of loyalty administrators and the user transaction account.** (Column 21 Lines 39-41, discloses that the UID database stores a plurality of loyalty account numbers)

Seidman does not appear to explicitly disclose **the URL being associated with a user transaction account number.**

Deaton teaches **the URL being associated with a user transaction account number**. (Paragraph [0057], discloses that the address of the digital wallet (which includes the account number) is associated with a URL)

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of the cited references to implement **the URL being associated with a user transaction account number** because a UID an a URL are the same and it would be beneficiary to use a URL because this would make it easier to access through the web rather than having to have a direct network connection to the database.

With respect to claim 19:

Seidman does not appear to explicitly disclose **The POI device is further configured to provide a transaction request to the at least one of the third party and the issuer to allow completion of the transaction, and wherein the transaction request comprises the user account number and a merchant system identifier**.

Deaton teaches:

**The POI device is further configured to provide a transaction request to the at least one of the third party and the issuer to allow completion of the transaction, and** (Paragraph [0062], discloses that the merchant will access the gift certificate information and after that the transaction will be completed)

**Wherein the transaction request comprises the user account number and a merchant system identifier**. (Paragraph [0062], discloses that when the merchant is

accessing the URL that URL has a user account, therefore identifying the user and a merchant id)

With respect to claim 20:

Seidman does not appear to explicitly disclose **the POI device is further configured to transmit a POI device identifier to the at least one of the third party and the issuer, and wherein in response to receiving the POI device identifier, the at least one of the third party and the issuer validates the POI device using the POI device identifier.**

Deaton teaches:

**The POI device is further configured to transmit a POI device identifier to the at least one of the third party and the issuer, and wherein in response to receiving the POI device identifier, the at least one of the third party and the issuer validates the POI device using the POI device identifier.** (Paragraph [0062], discloses that a merchant communicates with the URL, therefore it would be obvious that the merchant have an id so that the transaction is validated)

With respect to claim 21:

Seidman does not appear to explicitly disclose **the transmission of the URL to the merchant system is performed in a contact less manner.**

Deaton teaches:

**The transmission of the URL to the merchant system is performed in a contact less manner.** (Paragraph [0062], discloses that the URL can be transmitted through a RFID card)

With respect to claim 22:

Seidman does not appear to explicitly disclose **the merchant system is configured to store the URL for use in future transactions.**

Deaton teaches:

**The merchant system is configured to store the URL for use in future transactions.** (Paragraph [0062], discloses that the merchant will close the transaction after receiving the information however it would be inherent that the merchant will store this URL for use in future transactions)

With respect to claim 23:

Seidman teaches **the transaction device database stores a plurality of URLs for use in different markets.** (Column 21 Lines 25-28, discloses that the card will store different loyalty cards for different merchants)

With respect to independent claim 24:

Seidman teaches:

**A method for completing a transaction using a Radio Frequency Identification (RFID) transaction device, the method comprising:**

**Transmitting at least one Uniform Resource Locator (URL) from an RFID transaction device to a point of interaction (POI) device** (Column 2 Lines 36-37, discloses receiving the UID from the RFID) **of a merchant system associated with a merchant system identifier**, (Column 21 Lines 39-40, discloses a merchant that is associated with a store code)

**Accessing at least one of a third party and an issuer using the URL;** (Column 21 Lines 38-41, discloses using a UID and a store code to access the database)

**Receiving from the at least one of the third party and the issuer, in response to the access using the URL and the merchant system identifier, a loyalty user account number, wherein the loyalty user account number is associated with a loyalty administrator**, (Column 21 Lines 40-43, discloses that when the UID and the store code are received in the database a loyalty account number is returned) **and wherein the at least one of the third party and the issuer stores a plurality of loyalty user account numbers associated respectively with a plurality of loyalty administrators and the user transaction account**. (Column 21 Lines 39-41, discloses that the UID database stores a plurality of loyalty account numbers)

Seidman does not appear to explicitly disclose **the URL being associated with a user transaction account number**.

Deaton teaches **the URL being associated with a user transaction account number**. (Paragraph [0057], discloses that the address of the digital wallet (which includes the account number) is associated with a URL)



It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of the cited references to implement **the URL being associated with a user transaction account number** because a UID an a URL are the same and it would be beneficiary to use a URL because this would make it easier to access through the web rather than having to have a direct network connection to the database.

With respect to claim 25:

Seidman does not appear to explicitly disclose **providing a transaction request to the at least one of the third party and the issuer to allow completion of the transaction, wherein the transaction request comprises the user account number and a merchant system identifier.**

Deaton teaches:

**Providing a transaction request to the at least one of the third party and the issuer to allow completion of the transaction,** (Paragraph [0062], discloses that the merchant will access the gift certificate information and after that the transaction will be completed) **wherein the transaction request comprises the user account number and a merchant system identifier.** (Paragraph [0062], discloses that when the merchant is accessing the URL that URL has a user account, therefore identifying the user and a merchant id)

With respect to claim 26:

Seidman does not appear to explicitly disclose **transmitting a POI device identifier to the at least one of the third party and the issuer, wherein in response to receiving the POI device identifier, the at least one of the third party and the issuer validates the POI device using the POI device identifier.**

Deaton teaches:

**Transmitting a POI device identifier to the at least one of the third party and the issuer, wherein in response to receiving the POI device identifier, the at least one of the third party and the issuer validates the POI device using the POI device identifier.** (Paragraph [0062], discloses that a merchant communicates with the URL, therefore it would be obvious that the merchant have an id so that the transaction is validated)

With respect to claim 27:

Seidman does not appear to explicitly disclose **the transmission of the URL to the merchant system is performed in a contact less manner.**

Deaton teaches:

**The transmission of the URL to the merchant system is performed in a contact less manner.** (Paragraph [0062], discloses that the URL can be transmitted through a RFID card)

With respect to claim 28:

Seidman does not appear to explicitly disclose **storing the URL in the merchant system for use in future transactions.**

Deaton teaches:

**Storing the URL in the merchant system for use in future transactions.**

(Paragraph [0062], discloses that the merchant will close the transaction after receiving the information however it would be inherent that the merchant will store this URL for use in future transactions)

With respect to claim 29:

Seidman teaches **in response to the access using the URL and the merchant system identifier, the at least one of third party and the issuer transmits the transaction user account number to the POI device to allow completion of the transaction.** (Column 21 Lines 37-47, discloses that when the merchant receives the loyalty number a transaction takes place this transaction including adding rewards or points to said loyalty account)

With respect to claim 30:

Seidman teaches **receiving from the at least one of the third party and the issuer, in response to the access using the URL and the merchant system identifier the transaction user account number to allow completion of the transaction.** (Column 21 Lines 37-47, discloses that when the merchant receives the

loyalty number a transaction takes place this transaction including adding rewards or points to said loyalty account)

### ***Response to Arguments***

#### ***Claim Rejections 35 USC 103***

Applicant's arguments with respect to the 35 USC 103 rejections have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariela D. Reyes whose telephone number is (571) 270-1006. The examiner can normally be reached on M - F 7:30- 5:00 East time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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DEC 05, 07

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*m*

  
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